

Application No. 10/073,124  
Reply dated December 15, 2010  
Reply to Office Action of November 17, 2010

**REMARKS**

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The Examiner allowed claims 1-44.

Further to Applicant's Communication filed on November 11, 2010, Applicant respectfully requests that the Examiner return to Applicant signed copies of the Forms PTO-1449 previously submitted with the Communication.

The Examiner rejected claims 45-92 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of U.S. Patent No. 6,317,785. Applicant is submitting concurrently with this Amendment a Terminal Disclaimer of the terminal part of any patent granted in the present application which would extend beyond the expiration of U.S. Patent No. 6,317,785.

The present Terminal Disclaimer also lists U.S. Patent Nos. 6,253,059 and 7,508,789. The '059 and '789 patents were previously included in a Terminal Disclaimer filed July 2, 2010 which listed the owner of record as a "Corp." rather than a "LLC." The present Terminal Disclaimer correctly lists the owner as being a LLC. Applicant submits that the obviousness-type double patenting rejection has been overcome.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: December 15, 2010

By: 

Amedeo F. Ferraro  
Registration No. 37,129

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (310) 286-9800  
Facsimile: (310) 286-2795